

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SQUARE D COMPANY,

Plaintiff,

VS.

BREAKERS UNLIMITED, INC.,

Defendant.

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CAUSE NO. 1:07-cv-806-WTL-JMS

ENTRY REGARDING THE TESTIMONY OF GARNER AND SNYDER

In its Entry Regarding Motion to Quash dated June 11, 2009, the Court left open the question of whether it would be appropriate to order Square D to produce its employees and Rule 30(b)(6) designees, Tracy Garner and William Snyder, to testify live at trial. In order to aid the Court in making that determination, Breakers was ordered to file a notice setting forth the testimony it expected to elicit from Garner and Snyder and the relevance of that testimony to the issues remaining in this case. Breakers has done so. Square D also has filed a memorandum weighing in on the subject. The Court appreciates both parties' prompt and thorough attention to this issue.

After considering both parties' submissions, the Court determines that the interests of justice will best be served by having Garner and Snyder testify in person at trial. The Court recognizes the availability of their deposition testimony but, as previously noted, believes that deposition testimony generally is inferior to live testimony in many respects. The Court also notes that Breakers perhaps has overstated the scope of relevant testimony that Garner and Snyder have to offer in light of the Court's rulings on Square D's motions in limine; however, Square D's characterization of their testimony as completely unimportant is an overstatement.

In the end, the Court determines that Garner and Snyder will be able to offer enough relevant testimony at trial to make it appropriate to require them to appear in person.

Accordingly, pursuant to its inherent authority as discussed in its previous Entry, the Court now **ORDERS** Square D to produce Garner and Snyder to testify at trial.

SO ORDERED: 06/12/2009

A handwritten signature in cursive script, reading "William T. Lawrence", written in black ink on a white background.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic notification